



Reprinted
March 1, 2016

ENGROSSED HOUSE BILL No. 1373

DIGEST OF HB 1373 (Updated February 29, 2016 6:12 pm - DI 104)

Citations Affected: IC 10-16; IC 12-15.

Synopsis: Veterans matters. Extends employment protections under the federal Uniformed Services Employment and Reemployment Rights Act and extends the rights, benefits, and protections under the Servicemembers Civil Relief Act to members of the national guard of another state during state sponsored activation. Allows an individual (and the individual's dependent) who is: (1) an active member of the armed services of the United States or the national guard; (2) a legal Indiana resident; (3) assigned for duty or deployed outside Indiana; and (4) eligible for Medicaid waiver services or Medicaid assistance; to resume Medicaid eligibility and remain on Medicaid waiver waiting lists.

Effective: July 1, 2016.

Borders, Bartlett, Harman, Wesco

(SENATE SPONSORS — TOMES, MESSMER, RANDOLPH LONNIE M,
MILLER PATRICIA)

January 12, 2016, read first time and referred to Committee on Employment, Labor and Pensions.

January 26, 2016, reported — Do Pass.

January 28, 2016, read second time, ordered engrossed.

January 29, 2016, engrossed.

February 1, 2016, read third time, passed. Yeas 96, nays 0.

SENATE ACTION

February 8, 2016, read first time and referred to Committee on Pensions & Labor.

February 25, 2016, reported favorably — Do Pass.

February 29, 2016, read second time, amended, ordered engrossed.

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Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1373

A BILL FOR AN ACT to amend the Indiana Code concerning
military and veterans.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-16-7-23, AS AMENDED BY P.L.156-2015,
2 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2016]: Sec. 23. (a) As used in this section, "active duty"
4 means:

5 (1) training or duty under federal law; ~~or~~

6 **(2) state active duty under an order of a governor of another**
7 **state as provided by law; or**

8 ~~(2)~~ **(3)** state active duty under section 7 of this chapter;
9 performed under an order of the governor.

10 (b) The rights, benefits, and protections of the federal
11 Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., apply to
12 a member of:

13 **(1) the Indiana national guard; or**

14 **(2) the national guard of another state;**

15 ordered to active duty for at least thirty (30) consecutive days.

16 (c) With respect to a member or reserve member of:

17 **(1) the Indiana national guard; or**

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1 **(2) the national guard of another state;**

2 ordered to state active duty, a person is not subject to remedies and
3 penalties under this section or IC 10-16-20 for failure to comply with
4 the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et
5 seq., unless the member or member's dependent provides
6 documentation to the person that the person is a member or reserve
7 member of the Indiana national guard **or the national guard of**
8 **another state**, ordered to state active duty for at least thirty (30)
9 consecutive days.

10 (d) The rights, benefits, and protections of the federal Uniformed
11 Services Employment and Reemployment Rights Act, 38 U.S.C. 4301
12 et seq., as amended and in effect on January 1, 2003, apply to a
13 member of:

14 **(1) the Indiana national guard; or**

15 **(2) the national guard of another state;**

16 ordered to active duty.

17 (e) Nothing in this section shall be construed as a restriction or
18 limitation on any of the rights, benefits, and protections granted to a
19 member of:

20 **(1) the Indiana national guard; or**

21 **(2) the national guard of another state;**

22 under federal law.

23 SECTION 2. IC 10-16-20-2, AS ADDED BY P.L.156-2015,
24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2016]: Sec. 2. The following definitions apply throughout this
26 chapter:

27 (1) "Military service" means:

28 (A) in the case of a servicemember who is a member or
29 reserve member of the Army, Navy, Air Force, Marine Corps,
30 or Coast Guard, full-time duty in the active military service of
31 the United States, including:

32 (i) full-time training duty;

33 (ii) annual training duty; and

34 (iii) attendance while at a school designated as a service
35 school by federal law or by the secretary of the military
36 department concerned;

37 (B) in the case of a member or reserve member of the Indiana
38 National Guard, service under a call to active:

39 (i) service authorized by the President of the United States
40 or the Secretary of Defense for a period of more than thirty
41 (30) days in response to a national emergency declared by
42 the President of the United States; or



(ii) duty as defined by IC 10-16-7-23(a) for a period of more than thirty (30) consecutive days;

(C) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service; ~~or~~

(D) in the case of a member or reserve member of the national guard of another state, service under an order by the governor of that state to active duty for at least thirty (30) consecutive days; or

(E) any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.

(2) "Servicemember" means an individual engaged in military service.

SECTION 3. IC 12-15-2.5-2, AS AMENDED BY P.L.161-2007, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. **(a) Except as provided in subsection (b), a person who is a lawful permanent resident is eligible for Medicaid assistance under this article for a period of one (1) year.**

(b) This subsection applies to the eligibility of an individual or the individual's dependent for Medicaid assistance and Medicaid waiver services. An individual who:

(1) is a legal Indiana resident;

(2) is an active member of the armed forces of the United States (as defined in IC 5-9-4-3) or the national guard;

(3) is assigned to a duty station outside Indiana or deployed; and

(4) except for meeting the state residency requirements, is otherwise eligible for Medicaid assistance or Medicaid waiver services under this article;

or the individual's dependent is eligible for Medicaid assistance or Medicaid waiver services under this article for one (1) year following the individual's discharge from service in the armed forces of the United States or the national guard or postdeployment in the armed forces of the United States or the national guard.

(c) The office shall allow an individual described in subsection (b) or a dependent of the individual to be placed on a Medicaid waiver waiting list if the individual or the individual's dependent does not reside in Indiana due to the individual's military assignment outside Indiana. When residency has been reestablished, the office shall resume:

(1) Medicaid assistance; and



1 **(2) Medicaid waiver services, subject to the availability of a**
2 **waiver slot under federal regulations;**
3 **for the individual or the individual's dependent if the individual or**
4 **the individual's dependent is otherwise eligible under this section.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1373, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to HB 1373 as introduced.)

GUTWEIN

Committee Vote: Yeas 11, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions & Labor, to which was referred House Bill No. 1373, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB1373 as printed January 26, 2016.)

BOOTS, Chairperson

Committee Vote: Yeas 8, Nays 0

SENATE MOTION

Madam President: I move that Engrossed House Bill 1373 be amended to read as follows:

Page 3, after line 14, begin a new paragraph and insert:

"SECTION 3. IC 12-15-2.5-2, AS AMENDED BY P.L.161-2007, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. **(a) Except as provided in subsection (b),** a person who is a lawful permanent resident is eligible for Medicaid assistance under this article for a period of one (1) year.

(b) This subsection applies to the eligibility of an individual or the individual's dependent for Medicaid assistance and Medicaid waiver services. An individual who:

- (1) is a legal Indiana resident;**
- (2) is an active member of the armed forces of the United States (as defined in IC 5-9-4-3) or the national guard;**
- (3) is assigned to a duty station outside Indiana or deployed;**
- and**

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(4) except for meeting the state residency requirements, is otherwise eligible for Medicaid assistance or Medicaid waiver services under this article;

or the individual's dependent is eligible for Medicaid assistance or Medicaid waiver services under this article for one (1) year following the individual's discharge from service in the armed forces of the United States or the national guard or postdeployment in the armed forces of the United States or the national guard.

(c) The office shall allow an individual described in subsection (b) or a dependent of the individual to be placed on a Medicaid waiver waiting list if the individual or the individual's dependent does not reside in Indiana due to the individual's military assignment outside Indiana. When residency has been reestablished, the office shall resume:

(1) Medicaid assistance; and

(2) Medicaid waiver services, subject to the availability of a waiver slot under federal regulations;

for the individual or the individual's dependent if the individual or the individual's dependent is otherwise eligible under this section."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1373 as printed February 26, 2016.)

BANKS

